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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 31860 of 1993

M/s. Adlinks,
S/22, K.H.B. Colony,
80 ft. Road,
Koramangala,
Bangalore-560 095,
represented by its
Proprietor Sri S.M.Jawad

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..Petitioner

(By Sri Udaya Holla, Advocate)

-Vs-

1. Corporation of the City of
Bangalore, J.C. Road,
Bangalore - 560 002,
represented by its Commissioner;
2. Deputy Commissioner,
(Administration),
Corporation of the City of
Bangalore, J.C. Road,
Bangalore - 560 002,
represented by its Commissioner;
3. The Assistant Revenue Officer,
(Advertisement Tax)
Corporation of the City of
Bangalore, J.C. Road,
Bangalore-560 002,
represented by its Commissioner ..Respondents

(By Sri K.N.Puttegowda, Advocate)

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This writ petition is filed praying to declare the respondents are not entitled to remove the hoardings affixed by the petitioner which are fully set out in the schedule hereunder.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

O R D E R

The petitioner, ~~xx~~ an Advertising Agency, has filed this petition seeking a declaration that the respondents are not entitled to remove the eight hoardings erected by the petitioner described in the petition schedule and seeking a direction prohibiting the respondents from removing such hoardings fixed in the City of Bangalore by the petitioner.

2. The petitioner claims that it has obtained a licence/permission, by regularisation for a period of three years from 1-4-1991 to 31-3-1994 vide Annexure-A dated 8-1-1992, and, therefore, it has a right to continue display of hardings till 1-4-1994 and the Corporation could not, therefore, remove them before 1-4-1994. This Court on 3-9-1993 granted an interim order respondents from removing the petitioner's Hoardings described in the petition schedule.

3. During the pendency of this petition, the period of licence period expired ^{at the end of 31-3-1994, that is from} ~~on~~ 1-4-1994. Consequently, this petition has become infructuous. The learned Counsel for the petitioner states that the petitioner has subsequently paid the fees for renewal of the

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licence in regard to subsequent period. Be that as it may.

4. Annexure-A has permitted six hoardings only (Items 1 to 6 of the petition schedule). There is no permission for the remaining two hoardings (Items 7 and 8 of the petition schedule).

5. In view of the above, this petition is dismissed as having become infructuous with the following observations:-

(i) The petitioner shall obtain fresh permission or renewal or permission, as the case may be under Section 135 of the Karnataka Municipal Corporation Act, 1976 if not already obtained for the current period.

(ii) If an application is not already made, the petitioner is permitted to make such application in six weeks.

(iii) The respondents are entitled to collect advertisement tax in regard to all eight hoardings upto date at the prescribed rates, if not already paid.

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(iv) If any of the hoardings are on Corporation land, then petitioners shall also obtain licence for such use of Corporation land and pay the licence fee as fixed for use of such land.

(v) If there are any arrears or if the permission becomes void under section 136 the respondents are at liberty to remove the hoardings under Section 138.

Sd/-
JUDGE



Bnr/ujk